

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIE DAVIS,

Plaintiff,

v.

LT. SAYLOR, et al.,

Defendants.

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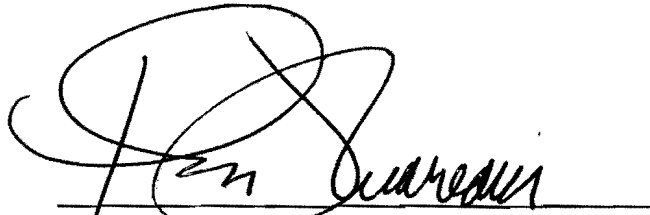
**3:13-CV-02279
(JUDGE MARIANI)**

ORDER

AND NOW, THIS 14TH DAY OF APRIL, 2014, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation (Doc. 24); Defendants' Motion for Summary Judgment (Doc. 14); Plaintiff's Motion to Dismiss the Defendants' Motion for Summary Judgment (Doc. 21), which is in substance a Brief in Opposition; and all related filings, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 24) is **ADOPTED**, for the reasons stated therein, namely:
 - a. That it is undisputed that Plaintiff did not exhaust his administrative remedies, (see Compl., Doc. 1, at 2);
 - b. That Plaintiff has not put forward a legally-recognized explanation for his failure to exhaust; and
 - c. That further discovery could not alleviate this procedural barrier to continuing the litigation.

2. Plaintiff's Objections (Doc. 25) are **OVERRULED**, because:
 - a. The legal arguments made therein are not supported by applicable law; and
 - b. There is no plausible basis to accept Plaintiff's conclusory argument that the U.S. Attorney's Office's representation of the Government Defendants was unauthorized by federal law.
3. Defendant's Motion for Summary (Doc. 14) is **GRANTED**.
4. Plaintiff's Motion to Dismiss the Motion for Summary Judgment (Doc. 21) is **DENIED**.
5. The Clerk of Court is **DIRECTED** to close the case.



Robert D. Mariani
United States District Judge